

To: Armstrong, Joan[Armstrong.Joan@epa.gov]
From: Gilley, Anne
Sent: Tue 2/11/2014 5:29:44 PM
Subject: RE: Time for the tough questions...

Thanks!

Anne Gilley, EPCRA Coordinator

Oil & Prevention Branch (3HS61)

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Philadelphia, PA 19103

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From: Armstrong, Joan
Sent: Tuesday, February 11, 2014 12:29 PM
To: Gilley, Anne
Cc: pandya, perry
Subject: RE: Time for the tough questions...

I would send it to Sicy and Kim Jennings asking for advice. Let them know the time sensitivity. Tell Carol you need to confer with HQ.

Joan Armstrong

Oil & Prevention Branch

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From: Gilley, Anne
Sent: Tuesday, February 11, 2014 11:22 AM
To: Armstrong, Joan
Cc: pandya, perry
Subject: FW: Time for the tough questions...
Importance: High

Joan,

I am a little uncomfortable responding to Carol based on the chemical... please advise me on what I should do. Thanks.

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From: Freeman, Carol [<mailto:cafreeman@pa.gov>]
Sent: Friday, February 07, 2014 3:56 PM
To: Gilley, Anne

Subject: Time for the tough questions...

According to the EPA website Q&A –

Are mining facilities required to notify under Sections 311 and 312?

Mining facilities regulated by the Mining Safety and Health Administration (MSHA) are not subject to OSHA's Hazardous Communication Standards (HCS) and, therefore, are not subject to the Section 311 and 312 requirements. However, it should be noted that because MSHA covers only actual mining activities, all other operations, such as refining, are covered under OSHA's HCS and are thus subject to Sections 311 and 312.

Now for my question –

If crude MCHM is used in a coal washing facility that is owned by a mining company in a closed system froth flotation process that separates valuable minerals, would that not be reportable on a Tier II if onsite at 10,000 pounds? Coal washing is not coal mining...

This is rather time sensitive. Your guidance would be appreciated.

Carol B. Freeman | Administrative Officer

Department of Labor & Industry |

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